

Remarks/Arguments

The rejection under 35 U.S. C. § 112 states that in the last paragraph of claim 45, the phrase “the panel” should read “each panel.” However, it is believed that if the subject language is reviewed in context, the phrase “the panel” does not make the claim indefinite. The last paragraph reads in its entirety

“said groups of perforations being spaced inward from the edges of the panel and being spaced vertically from one another in each panel.”

Taken in context, it should be clear that the perforations are spaced inward from the edges of the panel that the perforations are located in. Reconsideration is therefore respectfully requested.

The rejection under 35 U.S.C. § 103 (a) is based on Dworakowski et al., U.S. Patent No. 5,762,001, as the primary reference. However, the Dworakowski reference does not disclose side wall panels functioning as shear plates to tie the vertical posts together and to bear substantial loads in the plane of the side wall as described in claim 45. As explained on page 11, lines 1-7 of the pending application, in typical prior art auto rack cars, the spaces between vertical posts were largely occupied by non-load-bearing perforated panels, and there were typically gaps on the order of 1 ½ inches in width between the panels and the structural members. The perforated panels contributed no significant strength to the side walls.

The Dworakowski reference does not state that its side wall panels 18 function as shear plates. To the contrary, the Dworakowski reference states, beginning at column 3, line 64 “the side panels are preferably supported between the posts by metal brackets which extend from the posts. Due to the dimensions of the brackets, the side panels do not abut each other edgewise; nor do they contact the posts, the roof rails, or the side sills.”

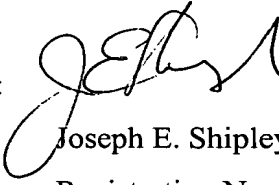
Thus, Dworakowski does not teach the subject limitation, but rather teaches away

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from the invention.

For the reasons set forth above, reconsideration and allowance of all claims are respectfully requested. The Commissioner is hereby authorized to charge any fees which may be required in connection with this correspondence to Deposit Account No. 06-1135.

FITCH, EVEN, TABIN & FLANNERY

By: 
Joseph E. Shipley
Registration No. 31,137

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120 South LaSalle Street, Suite 1600
Chicago, Illinois 60603-3406
(312) 577-7000